

# Exhibit E

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

*In re TikTok, Inc. Privacy Litigation*

Case No. 0:19-07792-LHK

(This Document Applies to All Cases)

**DECLARATION OF AMANDA K. KLEVORN IN SUPPORT OF**  
**MOTION FOR APPOINTMENT AS INTERIM LEAD PLAINTIFFS' COUNSEL**

I, Amanda K. Klevorn, declare as follows:

1. I am an attorney at Burns Charest LLP and am Counsel for Plaintiffs in the present action. I am a member in good standing of the State Bar of Louisiana and have been admitted to this Court *pro hac vice* for purposes of this action.

2. I submit this Declaration in support of Plaintiffs' Motion for Appointment as Interim Lead Plaintiffs' Counsel.

3. I have personal knowledge of the matters set forth herein and could competently testify thereto.

**Burns Charest's Background and Experience**

4. Burns Charest possesses considerable experience—and has experienced considerable success—in prosecuting complex class actions in courts across the country. The firm has quickly gained a reputation as a leading complex litigation boutique. Founded in 2015 by two former Susman Godfrey LLP partners, Burns Charest lawyers have been selected to lead numerous cases of national importance and scope. The firm also has an active practice representing individuals and businesses as plaintiffs in, among other matters, high-stakes antitrust, mass tort, and commercial litigation. Across all of its

1 practice areas, the firm prides itself in not only litigating cases, but in taking them to trial  
2 if necessary.

3 5. Now at over 25 lawyers strong in Dallas, New Orleans, and a newly  
4 opened office in Washington D.C., Burns Charest has been appointed to leadership  
5 positions in numerous class actions since its founding in 2015, including: *In re German*  
6 *Automotive Manufacturers Antitrust Litigation*, No. 17-MD-2796 (N.D. Cal.) (lead  
7 counsel); *In re EpiPen (Epinephrine Injection, USP) Marketing, Sales Practices and*  
8 *Antitrust Litigation*, No. 17-MD-2785 (D. Kan.) (co-lead counsel); *In re: Upstream*  
9 *Addicks and Barker (Texas) Flood-Control Reservoirs*, Sub-Master Docket 17-9001L  
10 (Fed. Cl.) (co-lead counsel); *In re Domestic Airlines Antitrust Litigation*, No. 15-MC-  
11 01404 (D.D.C.) (executive committee member); *In re Johnson & Johnson Talcum*  
12 *Powder Products Marketing, Sales Practices, and Products Liability Litigation*, No. 16-  
13 MD-2738 (D.N.J.) (executive committee member); *In re Anadarko Oil and Gas Lease*  
14 *Antitrust Litigation*, No. CIV-16-0209-HE (W.D. Okla.) (co-lead counsel); *Kjessler v.*  
15 *Zaappaaz, Inc., et al.*, No. 18-CV-00430 (S.D. Tex.) (lead counsel); and *In re Vehicle*  
16 *Carriers Antitrust Litigation*, No. 13-CV-3306 (D.N.J.) (co-lead counsel).

17 6. Additional information regarding our firm's depth and experience can be  
18 found in the Burns Charest LLP firm resume, attached hereto as Exhibit 1 to Klevorn  
19 Declaration, as well as our website, [www.burnscharest.com](http://www.burnscharest.com).

## 20 **My Background and Experience**

21 7. I am an attorney at Burns Charest L.L.P., and a 2013 graduate of Tulane  
22 University Law School. I am licensed in Louisiana state courts, the Eastern, Middle, and  
23 Western District of Louisiana, the Eastern District of Michigan, the Northern District of  
24 Ohio, and the United States Court of Appeals for the Fifth Circuit.

25 8. I have significant experience prosecuting complex nationwide class actions  
26 and multi-district litigation in a variety of practice areas, including products liability,  
27 antitrust, environmental, data breaches, and wrongful foreclosure cases on behalf of  
28 homeowners.

1           9.     In 2019 and 2020, I was named a Louisiana Rising Star in Class Actions  
2 and Mass Torts.

3           10.    My firm presently serves as lead counsel, co-lead counsel, and/or on  
4 plaintiffs' steering committees and executive committees in several class actions and  
5 MDLs throughout the country and I will have the benefit of my colleagues' extensive  
6 experience, support, and assistance if I am selected to serve as an Executive Committee  
7 member in this case. Examples of representative work in recent years include the  
8 following:

9                   A.     *In re: Johnson & Johnson Talcum Powder Products Marketing,*  
10 *Sales Practices, and Products Liability Litigation*, 3:16-md-02738-FLW-LHG (D.N.J.):  
11 Our firm is on the Executive Committee and I am heavily involved in every aspect of the  
12 ongoing litigation, including: 1) serving as lead brief writer for several *Daubert* briefs,  
13 including two critical opposition briefs pertaining to the presence of asbestos, heavy  
14 metals, and other carcinogens in the products at issue in the case; 2) leading several  
15 challenges related to the defendants' attorney-client privilege and work product claims;  
16 and 3) assisting with expert witness depositions.

17                   B.     *In re: Epipen (Epinephrine Injection, USP) Marketing, Sales*  
18 *Practices and Antitrust Litigation*, 2:17-md-02785-DDC-TJJ (D. Kan.): Our firm is Co-  
19 Lead counsel and I led the plaintiffs' challenges to defendants' attorney-client and work  
20 product privilege assertions, which involved extensive motion practice and oral  
21 argument. As a result of these efforts, one of the defendants ultimately produced  
22 thousands of previously withheld documents. I also took and defended key Rule 30(b)(6)  
23 corporate and expert depositions and assisted with the motion for class certification  
24 briefing.

25 **Background and Experience of other Burns Charest attorneys working on this case**

26           11.    Additional attorneys working on this case include the attorneys listed  
27 below.  
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1           12. Warren T. Burns is a founding and managing partner at Burns Charest  
2 concentrating on high-stakes, multidistrict antitrust litigation, along with other complex  
3 class action and commercial cases. Following law school, Mr. Burns clerked for the  
4 Honorable Paul J. Kelly, Jr. on the United States Court of Appeals for the Tenth Circuit.  
5 He has handled numerous cases involving price fixing, monopolization, breach of  
6 contract, intellectual property, business torts, consumer protection statutes, and  
7 accounting malpractice. He has extensive trial and leadership experience. In 2012, he  
8 helped lead a trial team that took the first mortgage-backed securities related case to trial.  
9 In a landmark and game-changing trial, the team secured a \$106 million judgment on  
10 behalf of their client and obtained key pre-trial determinations that had a domino effect in  
11 related cases. *Assured Guaranty v. Flagstar Bank* (S.D.N.Y.) (2011-2012).

12           13. From 2011-2015, Mr. Burns was named a Texas Rising Star in Business  
13 Litigation. In 2019, he was named a Texas Super Lawyer, named one of the Best  
14 Lawyers in Dallas by D Magazine, and recognized among the Best Lawyers in America  
15 for his work in antitrust litigation. He was elected in 2016 to the American Law Institute,  
16 the leading independent organization in the United States producing scholarly work to  
17 clarify, modernize, and improve the law. He has consistently been named since 2015 to  
18 the Top 100 National Trial Lawyers, and since 2014 to the International Who's Who of  
19 Competition Lawyers.

20           14. Will Thompson is a partner at Burns Charest with considerable complex  
21 litigation experience, including extensive work in *In re German Automotive*  
22 *Manufacturers Antitrust Litigation* and *In re Anadarko Oil and Gas Lease Antitrust*  
23 *Litigation*. Prior to joining Burns Charest, he clerked for the Honorable Mary M.  
24 Schroeder, United States Court of Appeals for the Ninth Circuit, and the Honorable Lee  
25 H. Rosenthal, in the U.S. District Court for the Southern District of Texas.

26           15. Korey A. Nelson is a founding partner at Burns Charest and manages the  
27 New Orleans office. He clerked for two years for the Honorable Karen Wells Roby in the  
28 United States District Court for the Eastern District of Louisiana and has been practicing

1 law in private practice since 2007. He focuses his practice on complex civil litigation, and  
2 is currently co-lead class counsel in *Novoa v. The Geo Group, Inc.*, No. 5:17-cv-02514  
3 (C.D. Cal.), a case alleging wage theft, unjust enrichment, and forced labor at a private  
4 civil immigration detention facility in California. He was also lead counsel in *In re*  
5 *Asbestos, Catalyst, and Silica Dust Litigation*, Master Docket SX-15-cv-096 (U.S.V.I.).

6 16. Additional information about Mr. Burns, Mr. Thompson, and Mr. Nelson,  
7 as well as other Burns Charest attorneys, can be found on our website,  
8 [www.burnscharest.com](http://www.burnscharest.com).

9 **The Litigation**

10 17. Burns Charest and our co-counsel at Hausfeld LLP filed the first class  
11 action complaint making BIPA claims on behalf of an Illinois class in the Northern  
12 District of California on April 30, 2020: *P.S., et al. v. TikTok, Inc., et al.*, No. 3:20-cv-  
13 2992 (N.D. Cal.).

14 18. Prior to the filing of the complaint, Burns Charest and co-counsel  
15 performed significant work to identify and investigate potential claims. This work  
16 included identifying and reviewing relevant publicly available documents and articles  
17 concerning the TikTok app technology, reviewing relevant client documents, and  
18 researching legal issues pertinent to the prosecution of the case, including, but not limited  
19 to, potential causes of action, standing, and arbitration.

20 19. Burns Charest is ready and able to commit our time, energy, and focus to  
21 this litigation. With more than 25 lawyers in three offices and decades of combined  
22 experience successfully funding and litigating complex class actions, Burns Charest has  
23 the track record to back up this commitment. We have sufficient staff and financial  
24 resources to do whatever is necessary to move this case forward.

25 I declare under penalty of perjury of the laws of the United States of America that  
26 the foregoing is true and correct.

27 Executed this 30th day of June, 2020 at New Orleans, Louisiana.

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/s/ Amanda K. Klevorn

Amanda K. Klevorn  
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## About Burns Charest LLP

Burns Charest is a young firm with a dynamic and impressive pedigree. Our founders were partners and attorneys at some of the finest commercial litigation boutiques in the nation. In 2015, we came together to build a new, aggressive platform to pursue our clients' interests.

We know that experience matters to clients and judges. And we have it. Our lawyers have actually tried a complex class action to verdict, served as co-lead counsel in multi-district litigation, secured a \$106 million judgment in the first of the 2008 mortgage meltdown cases to go to trial, obtained significant settlements in royalty-owner disputes, and regularly represented individuals and businesses in complex, bet-the-company cases.

We currently serve as lead counsel in national antitrust and other complex class actions. We represent numerous royalty owners in disputes against oil and gas giants. We serve hundreds of individuals whose lives have been threatened by exposure to asbestos and other harmful products.

We have a strong team. Our lawyers are some of the most experienced and talented of their generation, and we are happy to match our credentials against others.

Our focus is on the future. We believe firmly that our nation's legal system was designed to protect individuals and businesses from the wrongdoing of others and to assure a level playing field. As lawyers, we have an incredibly important role to play in making that system work for our clients. And we will not shy away from a fight to protect their interests.



## Why We Win

We are *trial lawyers*. We are not litigators.

What is the difference? From day one, we focus on how we are going to win your case at trial. We know from experience that success in the courtroom begins with a well-planned and efficient case strategy that focuses on what truly matters.

Our focus is not on the billable hour. We prefer to work under fee agreements that reward success and efficiency. By fully aligning our clients' interests with our own, we are able to focus on success.

We work smartly. In each case we conduct discovery and motion practice in a way that advances our client's goals. We identify key witnesses and documents, and then focus our efforts on how to tell our client's story through targeted depositions and discovery.

Many firms preach efficiency; we practice it. Our clients' interests are not best served by assigning multiple lawyers to perform the same task. That is not our style. We adhere to our Texas roots: One Riot, One Ranger.

The best lawyers are not those who scream loudest. We do not advance our clients' cases by engaging in meaningless disputes with our adversaries. That wastes time and money. But be assured, we know what's important and we will not shy away from zealously advancing our clients' interests.

We engage our clients each step of the way as members of the team. They help shape strategy. They participate in every significant decision.

We know how to communicate complex ideas to judges and juries. We use innovative techniques and technologies to advocate for our clients at trial, employing creative means to impart their story and serve their interests.

## Practice Areas

### Antitrust

Antitrust laws are essential to our nation's economy. Without them, businesses would be free to conspire to charge American consumers higher prices. And monopolists would be able to squeeze competitors out of the market.

Antitrust laws are so important that state and federal governments have empowered American consumers and businesses to bring legal claims to enforce these laws, and in some cases they may obtain three times their damages if successful. We gladly represent those who have been harmed and are seeking to enforce their rights.

We have deep experience in representing classes and individuals in antitrust suits against some of the world's largest corporations. We currently serve as co-lead counsel on behalf of a class of American car purchasers in the *Vehicle Carrier Services Antitrust Litigation* case that is pending in federal court in New Jersey. We are also co-lead counsel in the *Crude Oil Commodity Futures Litigation*, where we brought antitrust and Commodity Exchange Act claims against individual traders and companies on behalf of a nationwide class. Our lawyers have served as co-lead counsel in other national class action cases before forming Burns Charest. And we have obtained hundreds of millions of dollars for the classes we have represented.

### Business Disputes

When you want a lawyer, usually something has gone wrong and you need a solution; ideally a cost-effective result that achieves your business goals. Burns Charest can help.

Our trial lawyers have represented all types of businesses in all kinds of lawsuits. We've been on both sides—with good effect. Our lawyers have recovered millions for businesses and we've obtained complete defense wins for business clients. Whether your matter sits before a judge, a jury or an arbitration panel, our vast experience can often make a positive difference..

Big cases don't require big hours. They require skill. Burns Charest attorneys are stand-up trial lawyers. Not discovery litigators. We focus on winning at trial, not picking needless skirmishes along the way.

When appropriate, we welcome the opportunity to work on a contingency-fee basis, so our reward comes only when you win. We will work with you to establish the right fee structure for your case, whether that means blended rates, flat fees or hourly rates. Ultimately, we want to establish a relationship that works for the client, the lawyers and the case.

We also work with referring lawyers. If you want to joint venture a case, we are willing to split work, expenses and fees on equitable terms. If you need to refer a case due to a conflict, we can take the case forward and support your recommendation. And, if you need trial counsel as the case matures, Burns Charest attorneys can step into the later phases of cases for trial. Above all, we respect the client relationships of our referring counsel.

By way of example, our lawyers have handled litigation involving:

- Breach of contract
- Tortious interference with contracts
- Interference with prospective contracts or business advantages
- Uniform Commercial Code (UCC) disputes
- Unfair competition claims
- Non-competition agreement violations
- Defamation and business disparagement
- Fraud
- Fraudulent inducement
- Accounting malpractice

## **Class Action**

Federal and state governments have also enacted laws to safeguard Americans' privacy rights and to protect consumers and businesses from unfair practices. These laws often provide individuals and businesses a means to bring claims against defendants for unlawful actions.

We have brought claims on behalf of American consumers and businesses in cases throughout the United States. Our consumer cases have involved federal and state privacy and consumer protection laws, as well as state statutes regulating trade practices.

## **Energy**

Big Oil is big business, and the business of Big Oil often leads to high-stakes litigation. People and companies from across the nation and around the world put a lot at risk in these deals. When things go wrong in this sector, they tend to go very wrong. That's where we come in.

Our combination of trial savvy, industry experience and technical know-how puts us in an excellent position to help you. We bring effective and efficient representation to understand the issues and technology and explain them to judges and juries for your benefit. We are oil and gas trial lawyers.

It's complicated, but not too complex. The oil and gas industry brings its own technology, accounting procedures and lexicon. The lawyers at Burns Charest have deciphered and explained any number of these issues. Some examples include the costs and prices in revenue accounting for royalty calculations; the cause—at a molecular level—of production impairments in a deepwater,

foreign, offshore drilling program; every aspect of seismic data collection—from shot to processor; and the prospectivity of wells in an undeveloped field. Each case brings another aspect of oil and gas technology. And our lawyers have mastered each one.

Big or small, we can help. The Burns Charest team has represented an array of clients from industry leaders to individual landowners. From individual landowners against industry-leading operators to a publicly-traded, multi-billion dollar E&P company against a class of investors, to one mid-major against other mid-major. Whether you are a landowner, royalty owner, working interest owner, an operator, a non-operator, a service company, or any other of the many interests in the oil field, we have the ability to focus on your issues and apply our experience.

Litigation has followed oil and gas development across the United States and beyond. With locations in Texas, Louisiana and Colorado, our firm sits in the epicenter of the oil and gas litigation world. Our lawyers have handled oil and gas cases in their home states and beyond. The Burns Charest team has been involved in new shale plays — such as the Barnett, the Eagle Ford, the Bakken, the Haynesville, the Marcellus and the Utica as well as traditional plays that include the Anadarko Basin and Central Louisiana, and locations in Ghana, Mauritania and Western Sahara.

The scope of disputes our attorneys have handled include:

- Surface damage and other property damage
- JOAs
- COPAS accounting
- Investor fraud
- Environmental claims, such as water table contamination, drainage issues, pollution and hydraulic fracturing
- Lease claims
- Lease trespass claims
- Mineral rights and royalties
- IPO securities claims
- Service provider billing fraud
- Seismic data secrecy
- Development agreement breaches
- Unitization disputes

## **Mass Tort**

When companies fail to provide a safe working environment for their employees, or sell unsafe products to consumers, the injured need a voice to fight for them. Burns Charest is that voice.

Our attorneys are skilled and experienced in coordinating and prosecuting such claims on a mass scale. Burns Charest lawyers have successfully represented clients against pharmaceutical companies and asbestos manufacturers. Currently we are representing hundreds of clients exposed to asbestos in one of the largest oil refineries in the Western Hemisphere. Additionally, we are part of a consortium of plaintiffs firms representing over four hundred public and private hospitals in opioid lawsuits across the nation.

Big business may have big resources, but so do we. More importantly, we also have the know-how and experience to bring those resources to bear where and when it counts: in the courtroom.

Burns Charest also knows how to effectively manage and coordinate mass tort cases and, just as importantly, efficiently move these cases forward to a resolution. Because we work on a contingency fee basis, our interests are aligned with our clients to move cases along as quickly as possible. Instead of getting bogged down in needless and pointless delay-causing skirmishes, we focus on resolving these cases as expeditiously as possible for the benefit of our clients. We know that delays don't hurt the large companies, they hurt the injured waiting for their day in court.

We are here to give each person a voice in the courtroom and to level the playing field between the injured and Big Business.

## Attorneys



### Warren Burns | Founding Partner

Selecting a lawyer for your case is a very important decision. You want a lawyer who understands your concerns and will fight to achieve your goals. You want a lawyer who believes in our system and knows how to succeed in it. And most importantly you want a lawyer who is going to give you candid and meaningful advice. I am that lawyer.

I focus my practice on high-stakes, multidistrict antitrust litigation, along with other complex class action and commercial cases. I have handled numerous cases involving price fixing, monopolization, breach of contract, intellectual property, business torts, consumer protection statutes, and accounting malpractice.

I achieve results. In 2012, I helped lead a trial team that took the first mortgage-backed-securities related case to trial. In a landmark and game-changing trial, we secured a \$106 million judgment on behalf of our client and obtained key pre-trial determinations that had a domino effect in related cases.

I want to know more about your case and to see if there is a way I can help you. I look forward to talking with you.

### Education & Background

Where a man comes from is important. I believe it can tell you a lot about his character and approach to litigation and trials.

I am from a small town in Mississippi called Kosciusko. My extended family on both sides has lived there for six generations. My upbringing had a profound impact on me. I learned the value of community, the importance of not only joining in the lives of those around you, but making a difference in them as well.

I spent my college years at Ole Miss. I played four years of rugby for the Ole Miss Rugby Football Club, starting each season as a second-row forward. I use the skills I learned on the rugby pitch everyday in litigation. In a fast moving match, you have to be prepared to play offense and defense intelligently. You have to capitalize quickly on your opponents' mistakes. And you have to bring maximum pressure at the right moment to win. The same is true in litigation.

After college, I moved to the District of Columbia to work in public relations and fundraising. I took a job as a junior fundraising staffer at the Basilica of the National Shrine of the Immaculate Conception, the largest Catholic church in the Americas. Within a year, I was promoted to serve as the Communications Director at the Basilica.

I next moved to the Lt. Joseph P. Kennedy, Jr. Institute, a non-profit organization dedicated to assisting people with developmental disabilities in their efforts to live full and complete lives. There, I served as the Director of Development and Public Relations.

Later, I moved to Asheville, North Carolina to assume the role of Development Director at Riverlink, a regional non-profit organization. At Riverlink, our focus was on restoration of the French Broad River and developing the economy along its banks.

I left Riverlink to attend Tulane Law School. There, I graduated summa cum laude and Order of the Coif, and received the John Minor Wisdom Award, Tulane's highest prize for graduating law students. I also served as Editor in Chief of the Tulane Law Review.

After law school, I clerked for the Hon. Paul J. Kelly, Jr. on the U.S. Court of Appeals for the Tenth Circuit.

My background continuously helps me relate to witnesses and juries in ways that benefit my clients.

#### Admissions & Honors

Since 2011, I have been named a Texas Rising Star in Business Litigation.

Every year since 2014, I have been named to the International Who's Who of Competition Lawyers.

In 2015 and 2016, I was included in the Top 100 National Trial Lawyers.

In 2016, I was elected to the American Law Institute. The American Law Institute is the leading independent organization in the United States producing scholarly work to clarify, modernize, and improve the law.

I am a Fellow of the American Bar Foundation. The Fellows is an honorary organization of attorneys, judges, law faculty, and legal scholars whose public and private careers have demonstrated outstanding dedication to the welfare of their communities and to the highest principles of the legal profession. Membership in The Fellows is limited to one percent of lawyers licensed to practice in each jurisdiction.

I am an active member of the Dallas Bar Association and the American Bar Association. In the ABA, I sit on the steering committee for the international litigation committee.

I am also a member of the American Association for Justice and the Texas Trial Lawyers Association. And I am a Fellow in the Southern Trial Lawyers Association.

I sit on the Board of Advisory Editors of the Tulane Law Review, a national board comprised of distinguished alumni.

#### Representative Cases & Decisions

ANTITRUST CLASS ACTION / CONFIDENTIAL SETTLEMENTS: I serve as co-lead counsel in *In re Vehicle Carrier Services Antitrust Litigation (2013-present)* now pending in the District of New Jersey. On the eve of arguing against defendants' consolidated motion to dismiss, I negotiated a confidential settlement with one of the principal defendants. I negotiated a second confidential settlement with another major defendant just weeks later.

ANTITRUST CLASS ACTION / LEADERSHIP: I serve on the executive committee in *In re Domestic Airlines Antitrust Litigation (2015-present)* now pending in the District of Columbia. Our clients have alleged that the nation's four major airlines conspired to restrict capacity in order to fuel record-high profits.

ANTITRUST CLASS ACTION / CONFIDENTIAL SETTLEMENTS: I previously served as co-lead counsel in *In re Automotive Parts Antitrust Litigation (2011-2015)* in the Eastern District of Michigan. I personally negotiated settlements exceeding \$100 million with foreign defendants while successfully organizing and managing this complex case.

COMMERCIAL CASES / CONFIDENTIAL SETTLEMENTS: Lead trial counsel in three cases against the gas giant Chesapeake for breach of contract and underpayment of royalties relating to the oil and gas lease on the Dallas/Fort Worth International Airport. I have represented minority and women-owned business enterprises in their efforts to enforce contractual provisions against Chesapeake. I have settled all three cases successfully over the past three years, including one case that settled two days before trial.

COMMERCIAL CASE / CONFIDENTIAL SETTLEMENT: Lead trial counsel in a confidential arbitration representing a telecommunications company in its suit against its former billing aggregator. My client hired me with less than three months to go before trial.

SECURITIES CLASS ACTION / DEFENSE COUNSEL: Counsel in *Brady v. Kosmos Energy, Ltd. (N.D. Tex.) (2012-present)* defending a start-up oil and gas company against allegations centering on its initial public offering. The court recently denied plaintiffs' motion for class certification.

COMMERCIAL CASE / JUDGMENT EXCEEDING \$100 MILLION: Counsel in *Assured Guaranty v. Flagstar Bank (S.D.N.Y.) (2011-2012)*, the first case to go to trial related to the residential mortgage backed securities market meltdown. I represented a bond insurer in a suit against the securities issuer, resulting in a judgment of over \$100 million. In this expert-driven case, I managed plaintiff's principal liability expert, on whose opinion



Judge Jed Rakoff relied in reaching his judgment. At trial, I cross-examined defendant's principal liability expert, whose opinion Judge Rakoff ultimately discredited.

CLASS ACTION / JUDGMENT EXCEEDING \$16 MILLION: Counsel in *In re Universal Service Fund Litigation (D. Kan.) (2005-2013)*. We prevailed at trial on a breach of contract claim for AT&T's California landline telecommunications customers.

ANTITRUST CLASS ACTION / SETTLEMENTS EXCEEDING \$50 MILLION: Counsel in *In re Ready-Mixed Concrete Antitrust Litigation (S.D. Ind. 2005-2010)*. We resolved the case before trial with class members receiving more than 100 percent of their actual damages after deduction of attorneys' fees.

PATENT CASE / CONFIDENTIAL SETTLEMENT: Counsel in *Individual Network v. Apple (E.D. Tex.) (2007-2009)* representing an inventor in its patent infringement case against Apple. This case involved Apple's Genius recommendation engine. I managed all aspects of discovery and motion practice, including taking the depositions of all defense experts and managing plaintiffs infringement and validity expert. The case was resolved before trial.

ANTITRUST CASE / CONFIDENTIAL SETTLEMENT: Counsel in *Morris & Dickson Co. v. Abbot Labs. (M.D. La.) (2006-2008)*, representing a regional pharmaceutical wholesaler in its suit against Abbott Laboratories for violation of the Robinson-Patman Act by unfairly favoring my client's competitors. I managed all aspects of the litigation, including settlement negotiations. The case was resolved before trial.

#### Speaking Engagements

- *Litigation Trends in the \$50 Era*, 2015 Energy and Environmental Law Summit (October 2, 2015)
- *King Cake or Po-Boy? Do Class Actions Offer Meaningful Compensation to Class Members, or do They Simply Rip Off Consumers Twice?*, 19<sup>th</sup> Annual National Institute on Class Actions, American Bar Association (October 22, 2015)



### **Daniel Charest | Founding Partner**

Daniel developed elite trial skills on the front lines of high-stakes litigation. After his federal appellate clerkship, Daniel joined a nationally-recognized litigation boutique firm, where he became a partner as a result of successfully running and trying complex cases. He co-founded Burns Charest to build a unique set of skilled trial-oriented lawyers.

Daniel's experience in complex actions has honed his approach into effective, efficient lawyering. There is no playbook. He combines work ethic, smarts, and strategic thinking to achieve the client's goals. Daniel

is equally comfortable in a courtroom talking to a judge or jury, in a boardroom talking to executives, or on a gravel road talking to witnesses. In each case, Daniel brings his real-world experience developed from working in leadership roles in industry at a young age that involved travel all over the globe and required cooperation with all forms of culture and character.

Daniel's body of work reaches beyond any particular practice area. He has handled matters involving antitrust, breach of contract, oil and gas, business torts, like trade secret misappropriation and unfair competition, consumer protection issues, class actions, fraud, insurance bad faith, and wrongful death. His work has taken place across the United States, federal and state courts from coast to coast with plenty of places in between, and beyond to international arbitrations reaching across the globe. Daniel's docket has involved procedural and jurisdictional challenges such as removal and remand, class certification, transfers, temporary restraining orders, temporary injunctions, arbitrations, and appeals.

### **Education & Background**

Tulane University Law School, J.D., summa cum laude (2004)

U.S. Merchant Marine Academy, B.S. Marine Transportation, cum laude (1994)

Cheverus High School, Portland, Maine (1990)

The Honorable Edith Brown Clement, U.S. Court of Appeals for the Fifth Circuit (clerkship 2005-2006)

The Honorable Martin L.C. Feldman, U.S. District Court for the Eastern District of Louisiana (externship 2003-2004)

## Admissions & Honors

Admitted to practice in Texas, Virginia (inactive), the District of Columbia, the U.S. Virgin Islands, and several federal district courts and courts of appeal, including all Texas federal courts

Best Lawyers in America, 2017-2019

Named “Rising Star” in Texas by Law & Politics Magazine (Thomson Reuters) (2012, 2013, and 2014)

Named “Future Star” in Texas by Benchmark Litigation: The Definitive Guide to America’s Leading Litigation Firms & Attorneys (2012, 2013, 2014, 2017)

Managing Editor of the Tulane Law Review (2003-2004)

Order of the Coif (2004)

Chief Mate, unlimited tonnage, U.S. Coast Guard

Lieutenant Commander, U.S. Navy (Reserve), with an honorable discharge

Authored the published comment, A Fresh Look at the Treatment of Vessel Managers Under COGSA, 78 Tul. L. Rev. 885 (2003)

## Representative Cases & Decisions

Daniel works on “the largest Fifth Amendment takings cases in history,” *In Re Upstream Addicks and Barker (Texas) Flood-Control Reservoirs*, Sub-Master Docket No. 17-cv-9001L (Fed. Cl.), in which Daniel serves as the Court-appointed co-lead counsel for discovery and trial of Hurricane Harvey upstream flood victims.

Daniel quarterbacked both an international arbitration and a Texas State Court action in a fight over rights to a deep-water offshore drilling block off the coast of Africa (though we can’t tell you where—yet!), in which Daniel’s efforts resulted in obtaining both a temporary injunction in Texas State Court and similar emergency relief from the ICC arbitrator in London to preserve the asset for the client.

Daniel handles *Antero Resources Corp. v. C&R Downhole Drilling Inc.*, No. 3:15-cv-03885-L (N.D. Tex.), on behalf of a major oil and gas operator in the Marcellus Shale and Utica Shale asserting multi-million-dollar claims of fraudulent billing against an oilfield service provider.

Daniel successfully handled a multi-million-dollar claim in the Cobalt International Energy bankruptcy proceeding, *Whitton Petroleum Services Ltd. v. Tavakoli, Plan Administrator (In re: Cobalt Int’l Energy, Inc.)*, Case No. 17-36709(MI), Adv. No. 18-03172, while overseeing not only an international arbitration to validate the claim amount but also an adversary

proceeding to challenge the characterization of six billion dollars as intercompany payables and over two billion dollars as intercompany receivables.

Daniel applies his extensive oil and gas royalty experience while acting as co-liaison counsel for *In re: Chesapeake Barnett Royalty Litigation #2*, MDL No. 48-000000-15 (48th District Court, Tarrant County, Texas), in which he represents royalty plaintiffs, including the largest royalty buyers in the Barnett Shale and mineral owners, including the largest mineral owner in the United States.

Daniel's oil and gas practice extends from the Eagle Ford Shale, to the Permian Basin, to the Anadarko Basin, and beyond. His practice focuses on the business-facing issues of the oil and gas industry. Examples include *Dodge Resource Partners, LLC v. Zahav Land Group, LLC*, No. DC-CV54372 (142nd District Court, Midland County, Texas), which seeks to enforce a purchase and sale agreement relating to minerals located in Howard County, Texas, *RRIG EP Holdings, LLC vs Rover Operating LLC*, No. 52775 (118th District Court, Howard County, Texas), which seeks to invalidate oil and gas leases for failure to produce in paying quantities and cessation of production, *Expedition Royalty Co, LLC v. Nomad Land and Energy Resources, LLC*, No. DC-18-17113 (191st District Court, Dallas County, Texas), which seeks to confirm the proper termination of a purchase and sale agreement), and *Turtle Creek Exploration, LLC v. Stack Energy Partners, LLC*, No. CJ-2019-9 (District Court of Grady County, Oklahoma), which seeks to resolve a title issue following a mineral acquisition.

#### Speaking Engagements

- “Disputes over Production in Paying Quantities,” Oil and Gas Disputes 2019; State Bar of Texas, Oil, Gas & Energy Resources Section (January 11, 2019)
- “Royalty Disputes & Litigation,” 35th Annual Course, Advanced Oil, Gas & Energy Resources; State Bar of Texas, Oil, Gas & Energy Resources Section (September 29, 2017)
- *Litigation Trends in the \$50 Era*, 2015 Energy and Environmental Law Summit (October 2, 2015)

Barrister, Patrick E. Higginbotham Inn of Court, 2009-2012

Admitted to practice in Texas, the District of Columbia, the U.S. Supreme Court, and numerous U.S. Court of Appeals and U.S. District Courts, including all Texas federal courts.



**Will Thompson | Partner**

Will was born and raised in the mountains of Western Montana. After graduating from a high school class of 55, Will was drafted by the Philadelphia Phillies, but he accepted a college baseball scholarship. While at Santa Clara University, the San Francisco Giants drafted Will in the seventh round of the 2004 MLB draft. In his professional baseball career, Will won a batting title after hitting .384 for the Salem-Keizer Volcanoes, was named to multiple All-Star teams, was a member of multiple league championships, and reached the AAA level before his career was cut short due to an injury.

Will then graduated from Stanford Law School and subsequently clerked for Judge Mary M. Schroeder of the Ninth Circuit Court of Appeals and Judge Lee H. Rosenthal of the U.S. District Court for the Southern District of Texas. He then entered private practice—first at Susman Godfrey in Dallas, and later as the first associate at Burns Charest. In July 2018, Will became the first homegrown partner at Burns Charest, joining founding partners Warren Burns, Daniel Charest, and Korey Nelson.

In his private practice, Will has successfully managed a wide variety of complex matters for clients across the country. His work has taken him from investigations in the “hollers” of West Virginia to arguing dispositive motions in federal court on behalf of a nationwide class. Some of Will’s recent cases include the following:

*Bhatia v. 3M* (D. Minn): Will and Burns Charest currently serve as lead counsel on behalf of dentists across the country who purchased 3M’s allegedly defective “Lava Ultimate” dental crowns. Will authored the brief the dentists filed in opposition to 3M’s motion to dismiss and argued the motion before the district court. Following briefing and oral argument, the court denied 3M’s motion to dismiss.

*In re German Autos* (N.D. Cal.): Will and Burns Charest serve as lead counsel in multidistrict litigation accusing Audi, BMW, Volkswagen and other German automakers of a decades long antitrust conspiracy covering car technology, costs, suppliers and emissions equipment.

*Skipper v. ACE Property and Casualty Insurance Company* (S.C.): Will was the principal author on a brief to the South Carolina Supreme Court on an issue of first impression before the court—whether legal malpractice claims are assignable. The Supreme Court adopted the reasoning in Will’s brief and unanimously ruled in his client’s favor on all points.

Will also maintains an active docket of cases in the oil and gas industry, with a particular emphasis on oilfield fraud.

## Education & Clerkships

University of Montana, 2008 (B.A.)

Stanford Law School, 2012 (Juris Doctor)

Law Clerk to the Honorable Mary M. Schroeder, United States Court of Appeals for the Ninth Circuit, 2012-13

Law Clerk to the Honorable Lee. H. Rosenthal, United States District Court for the Southern District of Texas, 2013-2014.



### **Korey Nelson | Partner**

Korey represents plaintiffs in complex litigation throughout the United States. He has successfully litigated environmental pollution cases, Jones Act cases, pharmaceutical injury cases, mass tort cases, consumer class cases, and other matters in state and federal courts. Many of his cases come from other lawyers and the first day he takes your case, he focuses on making it trial-ready. Korey understands that although most cases end in settlement, making your case trial-ready is a key component of any successful settlement.

Just two examples of his past representation include his role as lead counsel representing plaintiff landowners in *Bunch v. Brighton Energy*, a state court lawsuit involving environmental pollution resulting from eighty years of oil and gas operations on 170 acres of property. Defendants were well-heeled oil companies that settled several weeks before trial for a favorable cash settlement and regulatory cleanup of the property. He was also court-appointed Class Counsel in *Chehalem Physical Therapy v. Coventry*, a federal court case involving the underpayment of insurance benefits to healthcare providers throughout the United States. After the Court certified a nationwide injunctive class, the parties reached an agreement settling not only the injunctive portion of the case, but also settling class-wide claims for retrospective damages. Previously the Court denied certification of a retrospective damages class.

After graduation from law school, Korey clerked for the Honorable Billie Colombaro Woodard, (ret.) at the Louisiana Third Circuit Court of Appeal and then went on to clerk for the Honorable Karen Wells Roby in the Eastern District of Louisiana. After clerking, he worked at a boutique litigation firm in New Orleans before co-founding the New Orleans office of Burns Charest LLP.



## Education & Background

Tulane University Law School, J.D., 2004

College of Charleston, B.A., *magna cum laude*, 2000

Judicial Law Clerk, 2005-2007, Hon. Karen Wells Roby, Eastern District of Louisiana

Judicial Law Clerk, 2004, Hon. Billie Woodard (ret.), Third Circuit Court of Appeal

## Honors & Publications

Senior Managing Editor, Tulane Environmental Law Journal (2003-2004)

Comment: Judicial Review of Agency Decisionmaking, 17 Tul. Envt'l L. J. 177 (2003)



### **Amanda Klevorn | Associate**

Amanda represents plaintiffs in consumer-oriented complex litigation in both federal and state courts. Her clients have included homeowners, landowners, patients harmed by defective products and drugs, and victims of federal civil rights violations. Amanda began her career at a boutique plaintiff-side litigation firm in New Orleans where she gained invaluable experience in a variety of practice areas, with a particular emphasis on environmental and mass tort litigation. More recently, she practiced at a civil rights law firm and represented plaintiffs in federal courts throughout the United States.

Born and raised in St. Louis, Missouri, Amanda moved to New Orleans in 2010 to attend Tulane University Law School. At Tulane, she developed her litigation skills and her passion for client advocacy as a student attorney with Tulane's Civil Litigation Clinic. While involved with the competitive Tulane moot court program, Amanda's team won the 2012 Louisiana State Bar Association trial competition, and she was elected to the Order of the Barristers by her peers. She also served as a managing editor for the Tulane Journal of International and Comparative Law.

## Education & Background

Tulane University Law School, J.D., 2013

St. Louis University, B.A., *summa cum laude*, 2008

## Honors

Order of the Barristers, 2013

Trial Advocacy Honors, 2012

Louisiana State Bar Association Trial Competition State Champion, 2012

Managing Editor, Tulane Journal of International & Comparative Law, 2012-2013



### Spencer Cox | Associate

Spencer Cox represents individuals and businesses in complex litigation in both state and federal courts. Mr. Cox graduated *magna cum laude* from Harvard Law School before clerking for the Honorable F. Dennis Saylor, IV, of the U.S. District Court for the District of Massachusetts.

Mr. Cox provides world-class representation to his clients through smarts, hard work, and a commitment to excellence. Before becoming a lawyer, he served in the U.S. Navy as a Naval Aviator and flight instructor in the F/A-18 Super Hornet, and recorded more than 400 arrested carrier landings. As a fighter pilot, Mr. Cox learned the importance of attention to detail and demonstrated a knack for performing best when the stakes are highest. As an attorney, he understands the importance of focusing the strengths of your case against an opposing party's weaknesses in order to win.

## Education & Background

University of Virginia, B.A., Physics

Harvard Law School, J.D., *magna cum laude*

Law Clerk to the Honorable F. Dennis Saylor, IV, of the United States District Court for the District of Massachusetts

## Admissions & Honors

State of Texas